THE HON'BLE MRS JUSTICE T.MEENA KUMARI

&

THE HON'BLE MR JUSTICE P.LAKSHMANA REDDY

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WRIT PETITION NO :17297 of 2003

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Dated: 06.09.2005

Between:

1. The Superintending Engineer, N.S. Dam Circle

Hill Colony and another .. **Petitioners**

And

A. Ester Rani, Vinukonda, Guntur District. **.. Respondent**

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

&

THE HON'BLE MR JUSTICE P.LAKSHMANA REDDY

WRIT PETITION NO :17297 of 2003

ORDER: (Per Hon'ble Smt. Justice T. Meena Kumari)

The writ petition is filed seeking a direction, in the nature of writ of certiorari, to set aside the Order dated 09.01.2003 in O.A.No.985 of 2000 and batch on the file of the A.P. Administrative Tribunal, Hyderabad.

The respondent herein is the applicant before the Tribunal.

The case of the writ petitioners is that the respondent herein, on demise of her father, while he was in service, being an unmarried daughter, made a representation for appointment under compassionate grounds. Earlier in O.A.No.1914 of 1997, the Tribunal held that she is the legal heir of the deceased and she is unmarried daughter and she is entitled for appointment. In spite of the said direction, the writ petitioners did not consider her case under the impression that she is a married woman. Hence, the respondent herein filed the present O.A. and the Tribunal directed the writ petitioners to consider her case. Hence the present writ petition.

As a matter of fact, this Court while admitting the writ petition, has granted interim suspension of the order of the O.A. on 25.8.2003. Pursuant to the same, when the respondent herein has filed the vacate stay petition, both the parties have agreed to dispose of the main writ petition.

The learned Counsel for the petitioners contends that the respondent is a married daughter of the deceased employee and she is not entitled for appointment on compassionate grounds and therefore, the order of the Tribunal is not sustainable.

On the other hand, the learned Counsel for the respondent contends that by the date of application, the respondent is an unmarried daughter of the deceased and on an earlier occasion, the Tribunal also expressed the same view and hence, the order of the Tribunal in the present O.A. needs no interference.

Perused the entire material available on record.

As can be seen from the record, on the date of application made by the respondent, she is an unmarried daughter of the deceased and subsequently, she got married and the Tribunal also expressed the same view on an earlier occasion in O.A.No.1914 of 1997. Apart from that, it is not the contention of the petitioners that by the date of application, she is married daughter of the deceased. This is nothing but a third round of litigation from the date of the death of the father of the bereaved family. Therefore, at this length of time, the contention of the learned Counsel for the petitioners that being a married daughter, the respondent is not entitled for appointment under compassionate grounds, is not sustainable. Simply because, the respondent being an unmarried daughter has applied for the appointment on

compassionate grounds, that does not mean that she cannot marry till she gets the appointment. In view of the matter, we have no hesitation to hold that the findings arrived at by the Tribunal, are justified and they need no interference by this Court. Therefore, We are of the opinion that the writ petition is devoid of merits and the same is liable to be dismissed.

Accordingly, this writ petition is dismissed. Consequently, the interim suspension granted by this Court, stands vacated. No order as to costs.

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Justice T. Meena Kumari

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Justice P. Lakshmana Reddy

Dated: 06.09.2005

Nn.